

THE JOINT CHIEFS OF STAFF,
Washington, D.C., December 7, 1973.

MEMORANDUM FOR THE CHAIRMAN, JOINT CHIEFS OF STAFF

SUBJECT: ALLEGATIONS MADE BY MR. ROBERT L. DICKEY

1. Reference IGM 4-73 dated 24 August 1973, subject: Allegations Made by Mr. Gerald J. Greven.

2. The investigation of allegations made by Mr. Gerald J. Greven and Mr. Robert L. Dickey before the Senate Armed Services Committee, in regard to U.S. Forces attacking hospitals, has been completed. Referenced IGM forwarded the results of the investigation in regard to the rules of engagement, troop training on the laws of war/the Geneva Convention, and Mr. Greven's allegations.

3. The Office of The Inspector General, Department of the Army, conducted an investigation of the allegation made by former 1LT Dickey in his testimony before the Senate Armed Services Committee to the effect that an enemy hospital was attacked during May 1969, in War Zone D, South Vietnam, by elements of the 3d Mobile Strike Force Command. The investigation was conducted during the period 24 September through 30 October 1973 and included an examination of the historical records of the Inspector General, USARV; the Inspector General, MACV; and The Inspector General of the Army. The operations and intelligence summaries of the 3d Mobile Strike Force were also evaluated. Sworn testimony was taken from 1LT Dickey, the commander of 1LT Dickey's supported battalion, and the commander of the 3d Mobile Strike Force.

4. A thorough review of the Department of the Army investigation, the rules of engagement at the time of the alleged incident, the policies of the United States, the Department of the Army and MACV in regard to avoiding hospitals, and U.S. Forces adherence to the Geneva Conventions was conducted by the Office of The Inspector General, Organization of the Joint Chiefs of Staff. Based on the foregoing, there is no evidence to support the allegation that a hospital was attacked during ground operations conducted against the enemy in War Zone D, South Vietnam, during April-May 1969, or that it was ever the policy of the U.S. Army to attack hospitals.

5. A summary of the Department of the Army Inspector General's report is attached.

Rear Adm. PAUL C. BOYD, USN,
Inspector General.

Attachment.

**SUBJECT: SUMMARY OF THE REPORT OF INVESTIGATION CONCERNING THE ALLEGED
ATTACK OF AN ENEMY HOSPITAL IN WAR ZONE D, SOUTH VIETNAM**

1. The Office of The Inspector General, Department of the Army, conducted an investigation of the allegation made by former 1LT Dickey in his testimony before the Senate Armed Services Committee to the effect that an enemy hospital was attacked during May 1969, in War Zone D, South Vietnam, by elements of the 3d Mobile Strike Force Command. The investigation was conducted during the period 24 September through 30 October 1973 and included an examination of the historical records of the Inspector General, USARV; the Inspector General, MACV; and The Inspector General of the Army. The operations and intelligence summaries of the 3d Mobile Strike Force were also evaluated. Sworn testimony was taken from 1LT Dickey, the commander of 1LT Dickey's supported battalion, and the commander of the 3d Mobile Strike Force. There was no evidence to support the allegation that a hospital was attacked during ground operations conducted against the enemy in War Zone D, South Vietnam, during April-May 1969, or that it was ever the policy of the US Army to attack hospitals.

2. 1LT Dickey was requested to provide additional testimony to clarify matters he had presented to the Senate Armed Services Committee on 8 August 1973. His subsequent testimony revealed that he never received orders to attack a hospital; that he never saw a hospital, or medical supplies, on the objective; that he never saw any medical markings on the objective that would indicate the presence of a hospital; that he could not determine the source of his information regarding a prisoner who allegedly reported the existence of a hospital in the area of operations; and that he was not certain why he referred to a "hospital" in his after action report.

3. The testimony of the maneuver battalion commander, and the 3d Mobile Strike Force commander, revealed that no orders were ever received, or given, to attack a hospital; that no hospital was observed on the objective; that there were no medical markings that would indicate the presence of a hospital; and that no prisoner was captured who divulged information regarding the presence of a hospital in the area of operations.

4. The operations and intelligence summaries for the period in question made no mention of the capture or existence of a hospital. Photographs and newspaper clippings describing the operation revealed no evidence of a hospital, or medical supplies, on the objective.

5. The testimony of the maneuver battalion commander revealed that a small, unmarked aid station may have been located in one of the numerous underground bunkers comprising the base complex. He stated that "some bandages were found in what could have been construed maybe, as a first aid station—a very small one . . ." The existence of an aid station within such a complex would not be unusual. Such a facility, if it was present, would not be considered a "hospital" in the sense of the Geneva Convention because it was unmarked, defended, and an integral part of a legitimate military target.

6. The investigation revealed that existing conventions, directives, and agreements were very explicit regarding the sanctity of hospitals. The *Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949* specifically prohibits attacks against hospitals. The United States is a party to the Convention. Department of the Army Field Manual 27-10 implements the provisions of the Convention, and states that the purpose of the Manual "is to provide authoritative guidance to military personnel on the customary and treaty law applicable to the conduct of warfare on land . . ." The Senate testimony of the Chairman, Joint Chiefs of Staff, and the Chief of Staff of the Army, left no doubt that the bombing or attacking of hospitals was not policy. The testimony of 1LT Dickey, the maneuver battalion commander, and the 3d Mobile Strike Force commander disclosed that they were not aware of any US Army policy encouraging, directing, or condoning hospital attacks. There was no evidence to indicate that the policy prohibiting the attack of hospitals had been violated.

7. In summary, the investigation concluded that:

a. An enemy hospital was not attacked during May 1969, in War Zone D, South Vietnam, by elements of the 3d Mobile Strike Force Command.

b. The attack of the enemy base complex during May 1969, in War Zone D, South Vietnam, by elements of the 3d Mobile Strike Force was conducted in consonance with the Law of Land Warfare.

c. United States, Department of Defense, Department of the Army, and MACV policy did not authorize or condone attacks on known hospitals.

Admiral MOORER. I might point out to you that, of course, the North Vietnamese never mark their hospitals. As a matter of fact, curiously enough, very seldom have any North Vietnamese patients been found in a hospital when the area was overrun. They seem to seize all the patients and drag them into the jungle regardless of the consequences. But I can assure you that the specific rules of engagement emphasize over and over again this matter of complying with the Geneva Convention, and in particular, concerning ourselves with such things as villages, civilians, hospitals, and so on.

Senator HUGHES. I appreciate that concern. I know you have it, that thought never crossed my mind that you didn't. But we did have testimony that indicated that at least in one recommended targeting procedure one man said that hospitals were the third priority. We also had testimony by one FAC officer that he had in fact at least in one case directed a strike against a suspicioned hospital. It wasn't certain that it was there even in BDA. We had testimony as to an infantry attack against a hospital facility without specific knowledge of what was involved in it. We also had an indication by the press of a marine attack against hospitals in South Vietnam.

Admiral MOORER. We have absolutely no evidence that would verify those statements. I will get the testimony, look it over, and make the investigation you are talking about. But I think that such an allegation that American forces would deliberately bomb hospitals is totally without any foundation.

[The information follows:]

INVESTIGATION BY OFFICE OF THE INSPECTOR GENERAL

Re targeting of hospitals.

1. The Office of the Inspector General, Organization of the Joint Chiefs of Staff, conducted an investigative study of the allegations made by Mr. Greven in his testimony before the Senate Armed Services Committee. This study gave full consideration to: a) the facts and findings of the Air Force investigation of these allegations; b) the rules of engagement prior to, during and subsequent to the alleged incident; c) policies of the United States, MACV, and the Services in regard to avoiding hospitals, and d) US forces' adherence to the Geneva Conventions. Based on a thorough examination of the foregoing, there is no evidence to support the allegation that orders were given at any level of command to conduct strikes on a hospital during the alleged incident or at any time.

2. Testimony by Mr. Greven's immediate superior during the time frame in question reflects that throughout their training for Vietnam and in-country briefings, adherence to the Geneva Conventions was stressed in addition to more stringent Air Force rules, all of which prohibited bombing hospitals. He stated, "concerning the bombing of a hospital, that has to be a complete falsehood on the part of Lt. Greven." He further stated, "I can say emphatically that Lt. Greven was never ordered to bomb a hospital."

3. Interviews with numerous personnel who could have had knowledge of the alleged incident related by Mr. Greven revealed only one person, an Air Force intelligence NCO, who could recall such an incident. He believed that in May or early June 1969 a report was received which referred to several structures, bunkers, and trench lines and which indicated that one of the structures was a possible "aid station" or "dispensary." The report was provided for a Forward Air Controller to check out. The NCO believes that Greven called a strike in on this target and mentioned on the air that one of the structures was a medical facility or hospital. Greven conducted a pre-strike reconnaissance run and a post-strike Bomb Damage Assessment run and reported that there had been no facilities there and no bomb damage.

4. It was United States, MACV, and Service policy to adhere to the laws of war, including not only the humanitarian principles of the Geneva Convention, but also those found in Hague Conventions Number IV and those established by

customary international law. In addition, specific restrictions were imposed on our forces in South Vietnam that went beyond these Conventions. These restrictions, imposed to minimize civilian casualties, reduce the chance of an inadvertent strike into an inhabited area, protect religious monuments, public buildings, and areas of cultural interest, were applicable to forces in the field and to all levels of command in the target selection process. The policies of the Services do not support a conclusion that bombing of hospitals or other facilities protected by the Geneva Conventions would be condoned. On the contrary, we may have suffered additional casualties because of our self-imposed restrictions.

5. United States forces in South Vietnam were well aware of the importance of observing the Geneva Conventions, and the Armed Forces of the United States have continued to conduct a vigorous and thorough program of instruction on the provisions of the Conventions. The following outlines the instructions on the Geneva Conventions given by each of the Services.

a. Department of the Army

(1) Both initial and refresher training in the Hague and Geneva Conventions are given in Army schools. All enlisted men receive initial, formal training in the Conventions during their basic training. Additional training is given noncommissioned officers in the Noncommissioned Officers Education System.

(2) Officers receive initial Hague and Geneva Conventions training in officer producing courses such as officer candidate schools and the U.S. Military Academy. Special textual materials have been prepared for use in instruction of the laws of war given in the Reserve Officer Training Corps (ROTC) program. This training is further supplemented in basic career development courses of instruction received by officers prior to their initial tours of duty in the Army. Advanced training in humanitarian international law applicable to armed conflict is given at advanced career development courses, the Command and General Staff College and the Army War College.

(3) Unit commanders are responsible for insuring that all individuals under their command understand their responsibilities under the Conventions as soldiers of the United States.

b. Department of the Navy

(1) Navy and Marine Corps training and instruction in the Geneva Conventions is integrated into many different schools and courses. Such training is initiated at all recruit training bases, and each recruit receives two one-hour classroom sessions of military conduct involving the Geneva Conventions.

(2) With respect to officers entering the Navy and Marine Corps through the Naval Academy, there is a required one-semester fourth year course entitled "Law for Naval Officers." This course devotes three hours to the Geneva Conventions and includes the movie "Your Rights and Obligations Under the Geneva Conventions." Officers entering the Navy or Marine Corps through the Naval Reserve Officers' training corps program receive two hours of instruction on the history and provisions of the Geneva Conventions in a Military Affairs Course and one hour in the application of the Geneva Conventions in a National Security Policy Course. The Naval Air Schools Command includes indoctrination in the Geneva Convention.

(3) The Naval Advisory and Vietnamese Orientation course included one hour class time consisting of a film "POW Rights and Responsibilities Under the Geneva Conventions." In addition, copies of the convention are made available to the students.

c. Department of the Air Force

(1) USAF enlisted personnel are first introduced to the Geneva Conventions in the School of Military Science, Airman. This introduction consists of a nine-hour course on the subjects of rights, freedoms, obligations, rumors, propaganda, and the Code of Conduct.

(2) USAF officer candidates are instructed on the Geneva Conventions as part of their precommissioning curriculum. In the Reserve Officer Training Corps (ROTC) in civilian colleges the subject is appropriately referenced in military training courses. The same subject material is covered in the School of Military Science, Officer, and during the freshman year at the Air Force Academy. The training is further expanded during the sophomore year.

(3) The requirements of the Geneva Convention on prisoners of war are addressed in seminars and lectures in the Squadron Officer School and Air Command and Staff College courses. The same material is the basis for academic instruction and field application in the Basic Survival Course. Newly graduated pilots and navigators must attend this course prior to their first operational assignment.

6. In summary the investigation encompassed a careful study of: the previous investigation into these allegations, the rules of engagement applicable in the time frame of the alleged incident, the policy of the United States Armed Forces in regard to the Geneva Conventions, and the Armed Services program of instructions on the provisions of the Geneva Conventions. Based on a thorough examination of the foregoing:

- a. The exact date of the alleged incident could not be determined.
- b. No documentary or testimonial evidence could be found to support the allegation that United States forces were ordered to attack a known hospital.
- c. United States, MACV, and Air Force policy did not authorize attacks on known hospitals or medical facilities nor was any evidence found that known medical facilities were targeted.
- d. United States Armed Forces conduct a vigorous and thorough program of instructions on the provisions of the Geneva Conventions.